

Clerk

June 4, 2006

Felicia Canon, Clerk
United States District Court
United States Courthouse
101 West Lombard Street
Baltimore, Maryland 21201

JFM-02-4213

JUN 4 2006

Dear Madam Clerk:

I am requesting for this attached **HISTORY** to be made a part of the Federal Docket Sheet in Case No. JFM-02-4213.

I am making this request because I realize that the court has a great many EXHIBITS regarding this case, and cannot be expected to sift through all of those documents. Therefore I am providing this so that the Court will have an accurate history of how many times I had requested a Transcript of a Motion to Dismiss that took place on November 24, 1997.

This will enable to court to then verify each of my attempts to have this Motions hearing transcribed so that it could be submitted to the the Court of Special Appeals during my direct appeal.

Thanking you for your consideration in this request, I remain,

Sincerely,
Salvatore Spinnato

Salvatore Spinnato, 272-280
13800 McMullen Hwy.
Cumberland, Md. 21502

cc: Judge Motz
File

HISTORY

In April 2004 I submitted a series of 51 Exhibits to this U.S. District Court. I submitted those exhibits in order to substantiate my claims that I had tried repeatedly for my Appellate Attorney to obtain a copy of a Motion to Dismiss hearing that took place on 11/24/1997. This series of Exhibits were received by the U.S. Clerk of Court and were entered on the Federal Docket Sheet as PAPER NO. 41. These Exhibits were copies of letters that I had received or sent during the course of my direct appeal. Those Exhibits ranged in age from March 1998 thru May 1999.

In that group of Exhibits I included a series of Ten Letters addressed to my Appellate Attorney, Kreg Paul Greer. I would like to EMPHASIZE that each of these letters to Mr. Greer had addressed the importance of having the Transcript of that hearing. It was significant because it showed that my trial attorney's reasoning for filing that Motion was to allege (1) Prosecutorial Misconduct; (2) Violations of the Md. Rules of Professional Conduct, and (3) the hearing laid the basis for filing a Motion to Recuse Judge Howe.

I would also like to EMPHASIZE that each of those letters addressed to Mr. Greer were marked a Exhibits 37 thru 46. They were addressed to Mr. Greer's RESIDENCE in Bel Air Maryland since that is where his office was located at the time he was appointed to represent me. I am stating this because he did not enter employment with the public defender's office until after my appeal was concluded. I am STRESSING this because Mr. Greer did not submit my appeal until November of 1998. PLEASE NOTE that nine of these letters were all addressed prior to Mr. Greer submitting my direct appeal. I am mentioning this because in my Habeas Petition to this Court, I had alleged that Mr. Greer failed to present a complete record to the Appellate Court even though he was made aware of the importance of this transcript. In fact he was not only aware of it, but he had to have known that the Motions hearing of 11/24/1997 was not transcribed, and he made no attempts to have it transcribed and submitted to the Court of Special Appeals.

PLEASE TAKE NOTICE that I cannot afford to resubmit those same Exhibits but would ask the Court to refer back to PAPER NO. 41 on the Federal Docket Sheet for verification. I am now going to give a CHRONOLOGICAL HISTORY of when each of those Exhibits were submitted and NOT NUMERICALLY.

Exhibit-1 is a March 24, 1998 letter FROM the Office of the Public defender informing me that the transcripts were ordered.

Exhibit-2 is a copy of my June 19, 1998 letter to the Chief of the Appellate Division requesting that I be provided a copy of all of my transcripts, and acknowledging that I will have to pay .15¢ per page.

Exhibit-3 is a copy of a July 20, 1998 letter from the Public Defender's Office acknowledging receipt of my June 19, 1998 letter.

Exhibit-4 is a August 31, 1998 letter from the Chief of the Appellate Division notifying me that an attorney was appointed, and also stated: "This attorney will contact you to Discuss the possible issues for an appeal..."

Exhibits 37 thru 43 were letters addressed to Mr. Greer and were dated from October 07, 1998 thru November 28, 1998.

Exhibit-5 is a March 1, 1999 letter from the Appellate Division indicating they received \$83.25 from my family for the following transcripts:

1. A Motions hearing transcript of November 19, 1997 by Judge Fader;
2. The Trial tranccripts of February 9, and 10;
3. The Sentencing transcript of March 4, 1998.

I would like to call the court's attention to the fact that they included a pre trial transcript of 11/19/1997, but failed to provide the transcript of The Motion To Dismiss on 11/24/1997.

Exhibit-6 is copy of my March 13, 1999 letter to Arthur Delano Jr. of the Appellate Division notifying him that the Motion to Dismiss transcript was missing. This was my first letter advising them that I did not received the transcript of the Motion to Dismiss Hearing.

Exhibit-44 is my April 07, 1999 letter to Mr. Greer notifying him of the post trial conversation between Anello and Rubie and to call Anello's Office for more details and to amend my appeal.

Exhibit-45 is my letter of April 15, 1999 letter to Mr. Greer giving him more details about the conversation between Anello and Rubie at Oriole Park.

Exhibit-7 is a copy of my April 27, 1999 letter to Mr. Delano's Office about the missing transcript. This was my second letter to the Appellate Division regarding the missing transcript of The Motion to Dismiss on 11/24/1997.

Exhibit-8 was a letter of acknowledgment dated April 29, 1999 from the public Defenders office indicating that they received my letters of March 13, and April 27, 1999. In that same letter it was stated:

"If the transcript was ordered it would have been sent to Kreg Paul Greer, and that I should call or write to Mr. Greer in an attempt to obtain a copy..."

PLEASE NOTE In several of my letters to Mr. Greer I made mention that I tried calling him several times but no one is ever there. I also mentioned about the importance of the transcript of the Motion to Dismiss Hearing on 11/24/1997 in MOST of those letters.

Exhibit-46 is a copy of my Last letter to Mr. Greer dated May 10, 1999. Part of that letter I quoted from Judge Davis' Opinion which stated:

"The transcript of this motions hearing was not included in the record on appeal."

Exhibit-13 is a copy of a December 21, 1999 letter from Judge Dewaters notifying me that he acknowledged my Motion for a Transcript of the 11/24/1997 hearing, but that it would be necessary for me to contact the public defender's office.

Exhibit-9 is a copy of a letter dated January 4, 2000 from Janet Brown who was the court reporter on 11/24/1997. She informed me that the transcript of the 11/24/1997 was not transcribed and that it would cost me \$270.00 for an original copy.

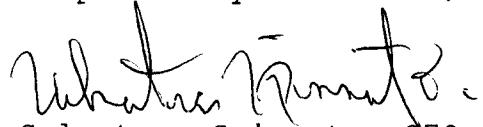
Exhibit-10 is a COO of the State's Answer regarding the Missing Transcript that was not recorded.

PLEASE NOTE It was only AFTER all this that the Hearing of the Motion to Dismiss on 11/24/1997 was finally recorded. This was only 2 months prior to my postconviction hearing of 02/01/2001.

I am pointing this out because I believe that it supports my reasoning that: (1) Mr. Greer did not provide the Court of Special Appeals with a complete record; and (2) Mr. Greer's testimony at the postconviction hearing that he "read all of the transcripts could not possibly be true!!!

In addition, I would like to say that it appears to me as a layman without legal training that the Appellate Court acknowledged that the transcript of the Motions Hearing of 11/24/1997 was not provided, and then make a formal ruling knowing that they were not provided with a complete record since the basis for recusal of Judge Howe was based on her failure to recognize violations of the Rules of Professional Conduct, and that we had claimed that she was biased.

Respectfully submitted,



Salvatore Spinnato, 272-280

13800 McMullen Hwy.

Cumberland, Md. 21502